

EXECUTIVE ORDER NO. 12 - 01

WHEREAS, Executive Order Nos. 11-19 and 11-20 imposed a temporary five percent (5%) across-the-board pay decrease of salaries and salary schedules, and receipt of six (6) hours per month supplemental time off with pay (STO) for certain Executive Branch employees; and

WHEREAS, in light of a subsequent agreement with the Hawaii Government Employees Association (HGEA) to implement the terms of Favored Nation it is appropriate to adjust the provisions reflected in Executive Order Nos. 11-19 and 11-20; and

WHEREAS, consistent with the agreed-upon terms and conditions, the Director of Human Resources Development has recommended to the Governor the adjustments specified in this Executive Order for (1) civil service employees who are excluded from HGEA Bargaining Units (BUs) 02, 03, 04, and 13 and (2) exempt employees, including elected and appointed officials, who are excluded from collective bargaining;

NOW, THEREFORE, I, Neil Abercrombie, Governor of Hawai'i, pursuant to my executive authority under articles V and VII of the Constitution of the State of Hawai'i, the provisions of chapters 37 and 89C of the Hawaii Revised Statutes, and all other applicable authority, do hereby order the following for the aforementioned two groups of employees:

1. The salary schedule in effect on February 29, 2012 shall be replaced with the salary schedule that was in effect on June 30, 2009. This salary schedule shall be in effect from July 1, 2011 to and including June 30,

2013 for all State Executive Branch employees covered by this Executive Order (except for the employees whose pay is limited or fixed by legislative action or prescribed by a salary commission), and

2. Effective March 1, 2012, a temporary 5% labor cost reduction by means of a mandatory salary waiver shall be implemented for all applicable employees, and

3. The Employer will reimburse employees the dollar difference for all payments (e.g., differentials, vacation pay out, etc.) that were affected by the temporary 5% labor cost reduction to the base salary for the period July 1, 2011 to and including February 29, 2012, and

4. For current or former Employees who were enrolled in any Employer Union Health Benefits Trust Fund (EUTF) plan during any of the periods between July 1, 2011 through November 30, 2011, the Employer shall reimburse up to a maximum of four (4) months (or a pro-rated amount depending on length of enrollment period) of the EUTF premium dollar difference between what the covered employee paid and what a bargaining unit 1 member would have paid enrolled in the same plans and same tier during those months, and

5. Effective June 1, 2012, any accumulated STO will be converted to Supplemental Time Off Without Pay (STOWOP), and full-time employees covered by this Executive Order (except for 89-day hire employees) who are employed as of May 31, 2012 will be provided an additional 32 hours (4 days) of STOWOP for a total of 13 days from July 1, 2011 to June 30, 2012; and an additional 32 hours (4 days) of STOWOP for a total of 13 days from July 1, 2012 to June 30, 2013, all in accordance with the terms and conditions set forth in the

STOWOP Implementation Plan for State of Hawai'i Executive Branch for BUs 02, 03, 04, and 13, and

6. Effective June 1, 2012, part-time employees (except for 89-day hire employees) who are employed as of May 31, 2012, will be provided an additional 16 hours of STOWOP for a total of 52 hours from July 1, 2011 to June 30, 2012; and an additional 16 hours of STOWOP for a total of 52 hours from July 1, 2012 to June 30, 2013, all in accordance with the terms and conditions set forth in the STOWOP Implementation Plan for State of Hawai'i Executive Branch for BUs 02, 03, 04, and 13, and

7. Effective July 1, 2012, full-time employees covered by this Executive Order (except for 89-day hire employees) shall receive eight (8) hours per month STOWOP to be used no later than June 30, 2013, all in accordance with the terms and conditions set forth in the STOWOP Implementation Plan for State of Hawai'i Executive Branch for BUs 02, 03, 04, and 13. Part-time employees and employees who render less than a full month of service shall receive STOWOP for such month as indicated in the table below:

<u>Actual Straight Time Hours of Service</u>	<u>Working Hours of Leave</u>
For 1 to 88	4
For 89 or more	8

The term "actual straight time hours of service" shall include paid holidays, and

8. Employees assigned to positions in the Executive Branch of the State who are paid 100% by non-general fund programs listed on the attached Exhibit A and Exhibit B shall be exempted from the temporary mandatory 5% labor cost reduction and, as a result, will not receive STOWOP, and

9. Employees assigned to positions in the Executive Branch of the State who are paid 100% by federal funds (Exhibit C) shall be exempted from the temporary mandatory 5% labor cost reduction and, as a result, will not receive STOWOP, and

10. Salaries for those employees referenced in paragraphs 8 and 9 above will be restored to their June 30, 2009 salaries effective July 1, 2011 and they will be reimbursed the dollar difference to make up for the temporary 5% reduction to their base pay, and

11. Those employees referenced in paragraphs 8 and 9 above will be required to substitute the STOWOP time that they have already taken with other paid leave time (e.g. vacation, sick leave, CTO), and will forfeit any accumulated STOWOP time, and

12. Employees who are appointed for eighty-nine (89) days or less, whether into a civil service or an exempt position, shall have their hours of work reduced to equal a temporary 5% labor cost reduction.

IT IS FURTHER ORDERED that this Executive Order does not apply to those Executive Branch employees employed by the Department of Education, including employees of public charter schools; the University of Hawai'i; the Hawai'i Health Systems Corporation; certain part-time intermittent employees (e.g. Aloha Stadium part-time intermittent exempt employees); and any Exempt Excluded employees whom I may determine and designate should not be subject to the STOWOP requirement.

IT IS FURTHER ORDERED that this Executive Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural,

or enforceable at law or in equity, against the State of Hawai'i or its agencies, departments, entities, officers, employees, or any other person;

IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order.

IT IS FURTHER ORDERED that Executive Order Nos. 11-19 and 11-20 are hereby superseded by this Executive Order effective the date signed below.

The Director of Human Resources Development shall be responsible for the uniform administration of this Executive Order and is authorized to make any interpretations concerning the applicability of this Executive Order to State officers and employees of the State Executive Branch who are excluded from collective bargaining coverage.

DONE at the State Capitol, Honolulu,
State of Hawai'i, this 22nd day of

June, 2012.


NEIL ABERCROMBIE
Governor

APPROVED AS TO FORM:


DAVID M. LOUIE
Attorney General

**HGEA – Non General Funds
That Can Be Exempted**

<u>Dept</u>	<u>Description</u>	<u>Apprn. Symbol</u>
AGR	Animal Quar Holding Fac - fm Airports	S316A
AGR	Animal Quarantine Special Fund	S318A
AGR	Irrigation System Revolving Fund	S320A
AGR	Waiahole Water System Revolving	S325A
AGS	Stadium Special Fund	S307M
AGS	State Motor Pool Revolving Fund	S320M
AGS	State Parking Control Revolving Fund	S317M
AGS	Surplus Federal Property Revolving	S304M
BED	Foreign Trade Zone Special Fund	S302B
BED	Natural Energy Lab Special Fund	S345B
HHL	All	All
LNR	Boating Special Fund	S359C
LNR	Special Land & Development Fund	S316C
TRN	All	All

**HGEA – Non-General Funds
That Can Be Exempted**

<u>Dept</u>	<u>Description</u>	<u>Apprn. Symbol</u>
AGR	Agricultural Park Special Fund	S317A
AGR	Agricultural Reserve Fund	S301A
AGR	Certification Svcs Revolving Fund	S302A
AGR	Interdepartmental Xfer fm Airports	S314A
AGR	Milk Control Special Fund	S315A
AGR	Non Ag Park Land Special Fund	S305A
AGR	Pest Inspection Quarantine Fund	S304A
AGR	Pesticide Use Revolving Fund	S324A
AGS	Works of Art Special Fund	S319M
ATG	Criminal Forfeiture Revolving Fund	S320N
ATG	Medicaid Investigations Rec Fund	S302N
ATG	Tobacco Enforcement SF	S307N
BED	Kalaeloa Comm Dev Revolving Fund	S356B
BUF	ERS	S315O
BUF	Public Utilities Commission Sp Fund	S352O
BUF	Unclaimed Property Trust Fund	T932O
CCA	All	All
DEF	DOD - TANF Funds	S315G
HTH	Tobacco Settlement Special Fund	S335H
LBR	Employment & Training Fund	S318L
LBR	Special Compensation Fund	S302L
LNR	Bureau of Conveyances Special Fund	S309C
LNR	Kaho'olawe Rehabilitation Trust Fund	T909C
LNR	Land Conservation Fund	S317C
LNR	LNR Risk Management	S308C
LNR	Prevention of Natural Disasters	S323C
LNR	Water Resources Mgmt Fund	S326C
LNR	Wildlife Revolving Fund	S344C
PSD	Correctional Industries Revolving Fund	S306V
PSD	Crime Victim Compensation Comm SF	S323V

**Dept. with 100% Federal Funded
HGEA Positions**

AGR
AGS
ATG
BED
BUF
DEF
HMS
HTH
LBR
LNR
PSD
TRN